

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14826US02)

In the Application of:

Jeyhan Karaoguz et al.

Serial No.: 10/675,774

Filed: September 30, 2003

For: SECURE ANONYMITY IN A MEDIA
EXCHANGE NETWORK

Examiner: Pramila Parthasarathy

Group Art Unit: 2436

Confirmation No.: 6

Transmitted via the Office electronic filing
system September 9, 2010.

**APPLICATION FOR RECONSIDERATION OF THE
DETERMINATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE
(37 CFR § 1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed June 14, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1847 days.

The bases under § 1.702 for the adjustment are as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 1283 days, minus 46 days consumed by an appeal, for a net adjustment of 1237 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was September 30, 2003,
- the third anniversary of the actual filing date was September 30, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on April 5, 2010.
- the first RCE was filed 1283 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

The patent term adjustment under the three-year rule was reduced by an appeal.

- review by the Board or a Federal court began on the date the Notice of Appeal was filed, i.e. January 21, 2008,
- the time consumed by review by the Board or a Federal court ended on the date of (1) a Board of Patent Appeals and

Interferences decision, a Federal court decision, or a Board remand, or (2) the date prosecution was reopened, i.e. March 7, 2008,

- the time consumed by the appeal thus ended on March 7, 2008, after an interval of 46 days.
- The patent term adjustment under the three-year rule of 1283 days, reduced by appeal time of 46 days, is thus 1237 days.

Reductions in Patent Term Adjustment

Removing Overlap

- Two or more grounds of delay overlap from September 30, 2006, to April 10, 2007, totaling 192 days of delay.
- Two or more grounds of delay overlap from March 19, 2008, to May, 13, 2008, totaling 55 days of delay.

This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Positive Patent Term Adjustment

- **Three Year Guarantee**
(35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation	0

Applicant Calculation	1237
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Reductions in Patent Term Adjustment

- **Removing Overlap**

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	247

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1847 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: September 9, 2010

By: /Hopeton S. Walker/
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Attorney for Applicants

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10/675,774	SECURE ANONYMITY IN A MEDIA EXCHANGE NETWORK	08-12-2010::10:00:24
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/675,774

Filing or 371(c) Date:	09-30-2003	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	857
USPTO Adjustment(days):	-	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
06-14-2010	Mail Notice of Allowance		
06-09-2010	Document Verification		
06-09-2010	Notice of Allowance Data Verification Completed		
06-09-2010	Case Docketed to Examiner in GAU		
02-04-2010	Information Disclosure Statement considered		
04-05-2010	Request for Continued Examination (RCE)		
04-07-2010	Disposal for a RCE / CPA / R129		
04-07-2010	Date Forwarded to Examiner		
04-05-2010	Workflow - Request for RCE - Begin		
02-04-2010	Electronic Information Disclosure Statement		
02-04-2010	Information Disclosure Statement (IDS) Filed		
01-05-2010	Mail Final Rejection (PTOL - 326)		
01-04-2010	Final Rejection		
11-02-2009	Date Forwarded to Examiner		
10-02-2009	Response after Non-Final Action		
10-29-2009	Paralegal TD Accepted		
10-02-2009	Terminal Disclaimer Filed		
07-07-2009	Mail Non-Final Rejection		
07-06-2009	Non-Final Rejection		
04-28-2009	Date Forwarded to Examiner		
03-17-2009	Response after Non-Final Action		59
03-17-2009	Request for Extension of Time - Granted		⬆
10-17-2008	Mail Non-Final Rejection		⬆
10-14-2008	Non-Final Rejection		
10-06-2008	Case Docketed to Examiner in GAU		
08-07-2008	Date Forwarded to Examiner		
07-22-2008	Response after Non-Final Action		
05-13-2008	Mail Non-Final Rejection	55	
05-12-2008	Non-Final Rejection	⬆	
03-07-2008	Date Forwarded to Examiner	⬆	
03-07-2008	Mail Appeals conf. Reopen Prosec.	⬆	

03-06-2008	Pre-Appeals Conference Decision - Reopen Prosecution	⬆
01-21-2008	Request for Pre-Appeal Conference Filed	⬆
01-21-2008	Notice of Appeal Filed	⬆
01-21-2008	Request for Extension of Time - Granted	⬆
12-07-2007	Mail Advisory Action (PTOL - 303)	⬆
12-06-2007	Advisory Action (PTOL-303)	⬆
11-29-2007	Date Forwarded to Examiner	⬆
11-19-2007	Amendment after Final Rejection	⬆
09-19-2007	Mail Final Rejection (PTOL - 326)	
09-17-2007	Final Rejection	
07-02-2007	Date Forwarded to Examiner	
06-20-2007	Response after Non-Final Action	
04-10-2007	Mail Non-Final Rejection	861
04-02-2007	Non-Final Rejection	⬆
03-13-2007	Case Docketed to Examiner in GAU	⬆
10-20-2006	Case Docketed to Examiner in GAU	⬆
08-24-2006	Case Docketed to Examiner in GAU	⬆
06-08-2005	IFW TSS Processing by Tech Center Complete	⬆
03-29-2005	Miscellaneous Incoming Letter	⬆
06-08-2005	Case Docketed to Examiner in GAU	⬆
01-05-2005	Transfer Inquiry to GAU	⬆
02-24-2004	Transfer Inquiry to GAU	⬆
12-29-2003	Application Return from OIPE	⬆
12-29-2003	Application Return TO OIPE	⬆
12-29-2003	Application Dispatched from OIPE	⬆
12-29-2003	Application Is Now Complete	⬆
12-12-2003	Cleared by OIPE CSR	⬆
11-15-2003	IFW Scan & PACR Auto Security Review	⬆
09-30-2003	Initial Exam Team nn	⬆

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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/675,774 Docket No. 14826US02

		PTO Calculation		Applicant Calculation	
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
12/21/2010	Projected issue date				
6/14/2010	Mail Notice of Allowance				
6/9/2010	Document Verification				
6/9/2010	Notice of Allowance Data Verification Completed				
6/9/2010	Case Docketed to Examiner in GAU				
4/7/2010	Disposal for a RCE / CPA / R129				
4/7/2010	Date Forwarded to Examiner				
4/5/2010	Request for Continued Examination (RCE)			1283.00	
4/5/2010	Workflow - Request for RCE - Begin				
2/4/2010	Information Disclosure Statement considered				
2/4/2010	Electronic Information Disclosure Statement				
2/4/2010	Information Disclosure Statement (IDS) Filed				
1/5/2010	Mail Final Rejection (PTOL - 326)				
1/4/2010	Final Rejection				
11/2/2009	Date Forwarded to Examiner				
10/29/2009	Paralegal TD Accepted				

10/2/2009	Response after Non-Final Action		
10/2/2009	Terminal Disclaimer Filed		
7/7/2009	Mail Non-Final Rejection		
7/6/2009	Non-Final Rejection		
4/28/2009	Date Forwarded to Examiner		
3/17/2009	Response after Non-Final Action		59
3/17/2009	Request for Extension of Time - Granted		
1/17/2009	Three months after Office action		
10/17/2008	Mail Non-Final Rejection		
10/14/2008	Non-Final Rejection		
10/6/2008	Case Docketed to Examiner in GAU		
8/7/2008	Date Forwarded to Examiner		
7/22/2008	Response after Non-Final Action		
5/13/2008	Mail Non-Final Rejection	55	
5/12/2008	Non-Final Rejection		
3/19/2008	Four months after amendment after Final		
3/7/2008	Date Forwarded to Examiner		
3/7/2008	Mail Appeals conf. Reopen Prosec.		
3/6/2008	Pre-Appeals Conference Decision - Reopen Prosecution		

		59.00
		55.00
		-55.00
		-46.00

